

Joanna Parnes (SBN 278974)
BAY AREA LEGAL AID
1735 Telegraph Ave.
Oakland, CA 94612
Telephone: (510) 250-5214
Facsimile: (510) 663-4740
E-mail: jparnes@baylegal.org

Counsel for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION**

TASHA TUGMAN
Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant

Civil Case No. 1:20-cv-07332-RMI

STIPULATION AND ~~PROPOSED~~ ORDER
APPROVING SETTLEMENT OF
ATTORNEY FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d) AND COSTS PURSUANT
TO 28 U.S.C. § 1920

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of \$8,500 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and zero dollars (\$0.00) in costs under Taxation of Costs, 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

After the Court issues an order for EAJA fees to Plaintiff, Defendant will consider any assignment of EAJA fees to Plaintiff's counsel, Bay Area Legal Aid. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, Defendant will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be made directly to Bay Area Legal Aid, Tax ID# 94-1631316, pursuant to any assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel, Bay Area Legal Aid, 1735 Telegraph Ave., Oakland, CA 94612.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA, although Bay Area Legal Aid has waived their right to claim any fees under 42 U.S.C. §406(b).

Respectfully submitted,

Dated: January 25, 2022

/s/ Joanna Parnes

JOANNA PARNES

Attorney for Plaintiff

Dated: January 25, 2022

/s/ Tina Naicker*

*As authorized via email on 1/25/22

TINA NAICKER

Attorney for Defendant

ORDER

Pursuant to the Stipulation, IT IS SO ORDERED.

DATE: January 28, 2022

By: 

U.S. Magistrate Judge Robert M. Illman